

1 **Shaun Rose Law LLC**
2 Shaun M. Rose, Esq.
3 Nevada Bar #13945
4 9505 Hillwood Dr., Suite 100
5 Las Vegas, Nevada 89134
6 Phone: (702) 570-3838
7 Email: shaun@shaunroselaw.com
8 *Attorney for Plaintiff Brandi Begelman*

9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 BRANDI BEGELMAN,
13 Plaintiff,

14 vs.

15 ROADWAY MOVERS INC. D/B/A
16 ROADWAY MOVING; DOES I through X,
17 inclusive; and ROE CORPORATIONS I
18 through X, inclusive,

19 Defendant.

20 CASE NO.: 2:20-cv-00717-GMN-BNW

21 **AMENDED STIPULATION AND
22 ORDER TO EXTEND DISCOVERY
23 PLAN AND SCHEDULING ORDER**

24 **(Third Request)**

25 Plaintiff, Brandi Begelman (herein “Plaintiff” or “Ms. Begelman”), and Defendant
26 Roadway Movers Inc. d/b/a Roadway Moving (herein “Defendant” or “Roadway Moving”), by
and through their respective counsel, hereby request that the discovery deadlines in the
previously filed Defendant’s Motion to Extend Discovery Deadlines [Doc. 21], be extended by
ninety (90) days, pursuant to FRCP 29 and LR 26-3 as follows:

27 **A. DISCOVERY WHICH HAS BEEN COMPLETED**

28 The parties have conducted the following discovery to date:

- 29 1. Participation in the FRCP 26(f) conference;
- 30 2. Plaintiff disclosed her Initial FRCP 26(a)(1) Disclosures of Witnesses and Documents;
- 31 3. Defendant disclosed its Initial FRCP 26(a)(1) Disclosure of Witnesses and Documents;
- 32 4. Defendant propounded Requests for Admissions, Request for Production of
33 Documents and Interrogatories to Plaintiff, of which, Plaintiff has served her responses thereto;

- 1 5. Defendant took the deposition of Plaintiff Brandi Begelman;
- 2 6. Defendant took the deposition of Plaintiff's witness, Nathan Begelman;
- 3 7. Plaintiff propounded Requests for Admissions, Requests for Production of Documents
4 and Interrogatories to Defendant;
- 5 8. Plaintiff disclosed her Initial Expert Witnesses and Reports;
- 6 9. Defendant disclosed its Initial Expert Witnesses and Reports;
- 7 10. Defendant disclosed its Rebuttal Expert Witness and Report.

9 **B. DISCOVERY WHICH REMAINS TO BE CONDUCTED**

- 10 1. Depositions of Defendant's witnesses Ross Sapir and Pedro Silva;
- 11 2. Depositions of the parties' respective expert witnesses;
- 12 3. Defendant's Responses to Plaintiff's Requests for Admissions, Requests for
13 Production of Documents, and Interrogatories; and
- 14 4. Any additional discovery deemed necessary by the parties.

16 **C. REASONS WHY THE PROPOSED DISCOVERY PLAN WAS NOT
17 COMPLETED PRIOR TO THE EXPIRATION OF THE CURRENT DISCOVERY
18 DEADLINE**

19 The parties have been working diligently to complete discovery, however, through a
20 mutual understanding and agreement, the parties have decided that attempting to resolve this
21 case through private mediation is desirable and appropriate. As such, the parties have agreed to
22 put discovery on hold to avoid the accruing costs of such and so that the parties can focus and
23 prepare their respective cases for private mediation, which is scheduled for April 28, 2021.

24 The current deadline to provide a stipulation for extending the current Discovery Plan
25 and Scheduling Order is March 23, 2021, and the parties respectfully request an extension. The
26 parties and their counsel regret that this stipulation to extend discovery deadlines was not timely
and apologize to the Court for the inconvenience. The filing of this stipulation after the

1 expiration of the discovery deadline was the result of excusable neglect and the parties and their
2 counsel wish to add the following joint declaration that will demonstrate to the Court that the
3 untimely stipulation was the result of excusable neglect and that there is good cause for the Court
4 to grant the requested extensions. The joint declaration is as follows:

5

JOINT DECLARATION OF DAVID B. AVAKIAN, ESQ. AND SHAUN M. ROSE, ESQ.
IN SUPPORT OF
STIPULATION AND ORDER TO EXTEND DISCOVERY PLAN AND SCHEDULING
ORDER

7 We, David B. Avakian, and Shaun M. Rose, declare as follows:

8 1. We are both attorneys, duly licensed and authorized to practice law in the State of
9 Nevada and before this Court.

10 2. We represent our respective clients in the matter entitled *Brandi Begelman v.*
11 *Roadway Movers, Inc., d/b/a Roadway Moving* (Case No. 2:20-cv-00717) pending before the
12 United States District Court in and for the District of Nevada (the “Action”).

13 3. We are submitting this Declaration in support of the foregoing Amended
14 Stipulation and Order to Extend Discovery Plan and Scheduling Order (“Stipulation”). If called
15 as a witness, we would and could competently testify to the facts set forth in the Stipulation
16 based upon my personal knowledge, except where stated upon information and belief and, as to
17 these matters, we are informed and believe them to be true.

18 4. On April 21, 2020, Plaintiff Brandi Begelman (“Plaintiff”) commenced this
19 Action, alleging a cause of action in her Complaint for violation of 49 U.S.C. § 14706 (the
20 “Carmack Amendment”) relating to alleged personal property damage sustained during a
21 household goods move.

22 5. The Court previously extended the discovery dates in this matter on December 17,
23 2020 for good cause, following a hearing before the Magistrate Judge. See, ECF No. 26. The
24 Parties have been diligently moving this case forward and have taken a number depositions and
25 propounded written discovery on each other. The Parties have designated experts and disclosed
26 additional documents in preparation for trial. In addition, the Parties had scheduled four

1 depositions the last week before the close of discovery on March 23, 2021. The Parties were on
2 track to complete all discovery prior to March 23, 2021.

3 6. Recently, the lead counsel in this matter, James Duncan, Esq. left Lewis Brisbois
4 and I assumed primary handling of this matter. Previously, I served only as resident counsel for
5 the Defendant in this matter.

6 7. In reviewing the case and the discovery left to conduct, I reached out to Plaintiff's
7 counsel to discuss the possibility of a private mediation in this matter and continuing the
8 discovery deadlines Ninety (90) days. It was agreed upon between counsel that given the
9 amount of discovery left to conduct and the likely Covid-19 Pandemic created trial delays, it
10 would be most cost-efficient to attend a private mediation before conducting the remaining party
11 and expert depositions in this matter in a good faith attempt to resolve the case.

12 8. In making this stipulation, all counsel agreed to a Ninety (90) day discovery
13 extension so the parties could attend private mediation. It took several days for the attorneys to
14 obtain an agreement with their respective clients to mediate the case and extend the discovery
15 deadlines. I immediately reached out to my client and to Justice Nancy Saitta at ARM and it
16 further took a few days to come to an agreement on a mediation date.

17 9. The Parties are mediating this matter with Justice Nancy Saitta at ARM on April
18 28, 2021 in a good faith attempt to resolve this case short of trial and conducting any additional
19 discovery.

20 10. In my conversations with Mr. Rose, I was going to prepare the proper Stipulation
21 to continue the discovery dates. Upon agreement of the Parties to mediate, I turned my focus to
22 obtaining a workable mediation date among the Parties as well as the agreement of my client to
23 mediate the case. As a result and through excusable neglect, I did not timely prepare the
24 Stipulation prior to the close of discovery.

25 11. Mr. Rose reached out to me during the first week of April 2021 and inquired
26 about the Stipulation. During that period, I was in Southern California with my son for him to
receive medical treatment and I was unable to draft the stipulation at that time.

1 12. As a result, Mr. Rose drafted the Stipulation and it was subsequently filed on
 2 April 6, 2021. See, ECF No. 29.

3 13. This is the third request for a discovery extension in this matter and there is no
 4 current trial date. There was no bad faith or dilatory motive or tactics on the part of either party.
 5 The fact that this Stipulation was submitted to the Court after the close of discovery was the
 6 result of excusable neglect and was completely unintentional.

7 I declare under penalty of perjury under the laws of the State of Nevada and the United
 8 States that the foregoing is true and correct.

9 Executed on this 16th day of April, 2021, in Las Vegas, Nevada.

10 10 /s/ Shaun M. Rose _____
 11 11 SHAUN M. ROSE, ESQ.

12 10 /s/ David B. Avakian _____
 13 11 DAVID B. AVAKIAN, ESQ.

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 16 14 /././
 17 15 **D. PROPOSED PLAN FOR COMPLETING DISCOVERY**

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Discovery Deadline	March 23, 2021	June 21, 2021
Amend Pleading/Add Parties	August 20, 2020	<i>No change</i>
Expert Disclosures	January 20, 2021	<i>No change</i>
Rebuttal Expert Disclosures	February 17, 2021	<i>No change</i>
File Dispositive Motions	April 23, 2021	July 22, 2021
Pre-Trial Order	May 21, 2021	August 19, 2021

23 23 **E. THE CURRENT TRIAL DATE**

24 24 This matter has not been scheduled for trial.
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1 **F. NUMBER OF REQUESTS FOR EXTENSION**

2 This is the third request to extend discovery deadlines and continue trial date.

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5 Dated this 16th day of April, 2021.

6 Shaun Rose Law LLC

Lewis Brisbois Bisgaard & Smith LLP

7 /s/ Shaun M. Rose
8 Shaun M. Rose, Esq.
9 9505 Hillwood Dr. Suite 100
Las Vegas, NV 89134
10 *Attorney for Plaintiff Brandi Begelman*

/s/ David B. Avakian
David B. Avakian, Esq.
6385 S. Rainbow Blvd, Suite 600
Las Vegas, NV 89118
Attorneys for Defendant

11 IT IS SO ORDERED



12 UNITED STATES MAGISTRATE JUDGE

13 DATED: April 20, 2021

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